

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11862 of 2020

Arising Out of PS. Case No.-794 Year-2018 Thana- COMPLAINT CASE District- Banka

Gopal Thakur Son of Shanti Thakur Resident of Village - Kari Paharri, P.S. -
Jaipur (Katoria), District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukmani Devi, Wife of Mithu Thakur R/O- Vill - Kari Paharri, P.S. - Jaipur
(Katoria), District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-06-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Complaint Case No.794 of 2018 registered under section 376 of the Indian Penal Code.

As per allegation in the Complaint, while the complainant along with her son was sleeping, it is stated that petitioner came and committed rape on her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for the reason that the complainant was not agreeable to return back the loan amount that she had taken from the petitioner. It is further submitted that the allegation of rape as made in the complaint has been found to be false as the learned Court below has taken



cognizance under section 354B of the Indian Penal Code. Further submission on behalf of the petitioner is that no reason has been given in the complaint for not going to the police station as also for the delay in lodging of the complaint. The petitioner has no criminal antecedent.

The application for bail is opposed by the learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner in the complaint, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such his application for anticipatory bail is rejected.

However, in the facts and circumstances of the case, if the petitioner surrenders within a period of eight weeks from today and prays for bail, the application for bail shall be considered expeditiously without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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